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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

PHILLIP MICHAEL DORSETT,

Defendant and Appellant.

B204123

(Los Angeles County  
Superior Ct. No. YA062761)

ORDER MODIFYING OPINION

[No change in the judgment]

THE COURT:\*

The opinion issued on June 11, 2009, is hereby modified as follows:

1. On page 19, the second full paragraph is replaced with the following:

“Appellant contends the trial court erred by excluding the evidence. He cites a copy of the supplemental police report attached to one of his motions for new trial for the proposition that Fujino was the shooter in the prior incident. Although appellant states that this supplemental report was submitted in support of the motion in limine, the record is unclear on this point. In ruling upon the motion in limine, the trial court stated it had read the police report containing the victim’s statement. The victim’s statement was contained in the original police report. In ruling upon the motion for new trial, however, the court stated that “during the trial” it had read “the police report” that appellant had lodged that day. Assuming that the lodged report was the same as that attached to the

motion for new trial, it included the supplemental report. For the sake of argument, we will assume that appellant submitted the supplemental report to the court in conjunction with his motion in limine and thereby preserved his claim based upon the contents of the supplemental police report.”

2. On page 19, the first sentence of the final paragraph (“Even if appellant had preserved his claim for appellate review, we would not find an abuse of discretion by the trial court.”) is deleted.

The modification requires no change in the judgment.

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\* ROTHSCCHILD, Acting P.J.

FERNS, J.\*\*

\*\* Judge of the Los Angeles County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.